



**PATENT**  
Attorney Docket No. 227833  
Client Reference No. JF-133US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Sunami et al.

Group Art Unit: 1614

Application No. 10/802,220

Examiner: Unassigned

Filed: March 17, 2004

For: PHARMACEUTICAL COMPOSITIONS  
OF CETP INHIBITORS

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

*or*

☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

### Copies of the References

- ☐ Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.
- ☒ This patent application was filed after June 30, 2003. Accordingly, copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith (see Official Gazette Notice of August 5, 2003). Copies of other references identified on the accompanying Form 1449 are enclosed herewith.
- ☒ Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☒ A copy of the foreign search report is enclosed herewith.
- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were

furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status ( <i>check one</i> )		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

**Statement under 37 CFR 1.97(e)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR 1.704(d)**

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

- ☒ **No fee** is owed by the applicant(s).
- ☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

In re Appln. of Sunami et al.  
Application No. 10/802,220

**Method of Payment of Fees**


- ☐ Attached is a check in the amount of \$ .  
☐ Charge Deposit Account No. 12-1216 in the amount of \$ . (A duplicate copy of this communication is enclosed for that purpose.)

**Authorization to Charge Additional Fees**

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

**Instructions as to Overpayment**

- ☒ Credit Account No. 12-1216.  
☐ Refund

  
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John Kilyk, Jr., Reg. No. 36,763  
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Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
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(312) 616-5600 (telephone)  
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Date: October 8, 2004

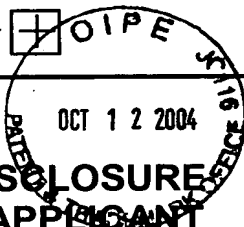
**CERTIFICATE OF MAILING**

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 8, 2004

  
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Please type a plus sign (+) inside this box →



Substitute for form 1449A/B/PTO

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

## **Complete if Known**

Application Number	10/802,220
Filing Date	March 17, 2004
First Named Inventor	Sunami et al.
Group Art Unit	1614
Examiner Name	Unassigned
LVM Reference Number	227833
Attorney Docket Number	JF-133US

Sheet	1	of	4
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## **U.S. PATENT DOCUMENTS**

Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
	AI	3,576,830		Fukumaru et al.	Apr. 27, 1971	
	AJ	4,740,438		Krishnamurthy	Apr. 26, 1988	
	AK	4,853,319		Krishnamurthy et al.	Aug. 1, 1989	
	AL	5,118,583	A	Kondo et al.	Jun. 2, 1992	
	AM	5,194,539	A	Charmot et al.	Mar. 16, 1993	
	AN	5,217,859	A	Boettcher et al.	Jun. 8, 1993	
	AO	5,219,721	A	Klaus et al.	Jun. 15, 1993	
	AP	5,350,667	A	Singer et al.	Sep. 27, 1994	
	AQ	5,405,969	A	Wright et al.	Apr. 11, 1995	
	AR	5,446,207	A	Pomponi et al.	Aug. 29, 1995	
	AS	5,504,097	A	Malamas et al.	Apr. 2, 1996	
	AT	5,512,548	A	Kushwaha et al.	Apr. 30, 1996	
	AU	5,519,001	A	Kushwaha et al.	May 21, 1996	
	AV	5,534,529	A	Yoshida et al.	Jul. 9, 1996	
	AW	5,542,974	A	Buding	Aug. 6, 1996	
	AX	5,556,888	A	Koda et al.	Sep. 17, 1996	
	AY	5,614,550	A	Yoshida et al.	Mar. 25, 1997	
	AZ	5,654,134	A	Morimura et al.	Aug. 5, 1997	
	BA	5,698,564	A	Katsuyama et al.	Dec. 16, 1997	
	BB	5,776,951	A	Arrowsmith et al.	Jul. 7, 1998	
	BC	5,880,095	A	Park et al.	Mar. 9, 1999	
	BD	5,925,645	A	Schmidt et al.	Jul. 20, 1999	
	BE	5,932,587	A	Schmeck et al.	Aug. 3, 1999	
	BF	6,069,148	A	Schmidt et al.	May 30, 2000	
	BG	6,093,573	A	Beamer et al.	Jul. 25, 2000	
	BH	6,127,383	A	Schmidt et al.	Oct. 3, 2000	
	BI	6,140,342	A	Goldstein et al.	Oct. 31, 2000	
	BJ	6,140,343	A	DeNinno et al.	Oct. 31, 2000	
	BK	6,147,089	A	DeNinno et al.	Nov. 14, 2000	
	BL	6,147,090	A	DeNinno et al.	Nov. 14, 2000	
	BM	6,197,786	B1	DeNinno et al.	Mar. 6, 2001	
	BN	6,207,671	B1	Schmidt et al.	Mar. 27, 2001	
	BO	6,313,142	B1	Damon et al.	Nov. 6, 2001	
	BP	6,362,198	B1	Goldstein et al.	Mar. 26, 2002	
	BQ	6,395,751	B1	DeNinno et al.	May 28, 2002	
	BR	6,448,295	B1	Sikorski et al.	Sep. 10, 2002	
	BS	6,462,091	B1	Keller et al.	Oct. 8, 2002	
	BT	6,753,346	B2	Shinkai et al.	Jun. 22, 2004	

Examiner Signature		Date Considered	
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\* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

Substitute for form 1449A/B/PTO

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Sheet	2	of	4
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Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
	B U	2001/0018446	A1	Sikorski et al.	Aug. 30, 2001	
	B V	2002/0103225	A1	Curatolo et al.	Aug. 1, 2002	
	B W	2004/0039018	A1	Ruggeri	Feb. 26, 2004	
	B X	2004/0053842	A1	Nguyen et al.	Mar. 18, 2004	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
	B Y	CA	2,000,631	A	Engels	Apr. 15, 1990		
	B Z	ES	2 127 690	B1	Universidad de Granada	Apr. 16, 1999		X <sup>+</sup>
	C A	EP	0 796 846	A1	BAYER AG	Sep. 24, 1997		X <sup>+</sup>
	C B	EP	0 818 197	A1	BAYER AG	Jan. 14, 1998		X <sup>+</sup>
	C C	EP	0 818 448	A1	BAYER AG	Jan. 14, 1998		X <sup>+</sup>
	C D	JP	45-11132		Sumitomo Chemical Company	Apr. 22, 1970		X <sup>+</sup>
	C E	JP	47-35786		Oouchi-Shinkou-Chemical Company	Sep. 8, 1972		X <sup>+</sup>
	C F	JP	1-321432		Konica Corp.	Dec. 27, 1989		X <sup>+</sup>
	C G	JP	1-278543		Sanshin Kagaku Kogyo KK	Nov. 8, 1989		X <sup>+</sup>
	C H	JP	2-23338		Fuji Photo Film Co., Ltd.	Jan. 25, 1990		X <sup>+</sup>
	C I	JP	3-226750		Konica Corp.	Oct. 7, 1991		X <sup>+</sup>
	C J	JP	9-59155	A2	KAKEN PHARMACEUTICAL CO LTD	Mar. 4, 1997		X <sup>+</sup>
	C K	JP	10-287662	A2	THE KITASTO INSTITUTE	Oct. 27, 1998		X <sup>+</sup>
	C L	WO	92/03408	A1	RHONE-POULENC RORER LIMITED	Mar. 5, 1992		
	C M	WO	92/03412	A2	RHONE-POULENC RORER LIMITED	Mar. 5, 1992		
	C N	WO	96/30761	A1	WARNER-LAMBERT COMPANY	Oct. 3, 1996		
	C O	WO	96/09406	A1	UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES	Mar. 28, 1996		
	C P	WO	98/04528	A2	BAYER CORPORATION	Feb. 5, 1998		
	C Q	WO	98/04528	A3	BAYER CORPORATION	Nov. 11, 1999		
	C R	WO	98/23593	A1	PFIZER INC.	Jun. 4, 1998		
	C S	WO	98/34920	A1	BAYER AKTIENGESELLSCHAFT	Aug. 13, 1998		X <sup>+</sup>
	C T	WO	98/35937	A1	JAPAN TOBACCO INC.	Aug. 20, 1998		X <sup>+</sup>
	C U	WO	98/39299	A1	BAYER AKTIENGESELLSCHAFT	Sep. 11, 1998		X <sup>+</sup>
	C V	WO	99/14204	A1	G.D. SEARLE & CO.	Mar. 25, 1999		
	C W	WO	99/41237	A1	G.D. SEARLE & CO.	Aug. 19, 1999		

Examiner Signature

Date Considered

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Substitute for form 1449A/B/PTO  <h1>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h1>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
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				Filing Date	March 17, 2004
				First Named Inventor	Sunami et al.
				Group Art Unit	1614
				Examiner Name	Unassigned
				LVM Reference Number	227833
Sheet	3	of	4	Attorney Docket Number	JF-133US

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

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Application Number	10/802,220
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First Named Inventor	Sunami et al.
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Sheet	3	of	4
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## FOREIGN PATENT DOCUMENTS

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*(Use as many sheets as necessary)*

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of

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